

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TONY MARQUET CAMPBELL,

Plaintiff,

No. CIV S-04-2721 DFL PAN P

vs.

R. BROWN,

Defendant.

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. By orders filed April 8, 2005 and December 28, 2005, plaintiff's original and first amended complaints were dismissed with leave to amend. On January 25, 2006, plaintiff filed a second amended complaint.

The amended complaint states a cognizable claim for relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). If the allegations of the amended complaint are proven, plaintiff has a reasonable opportunity to prevail on the merits of this action.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Service is appropriate for the following defendant: R. Brown.
2. The Clerk of the Court shall send plaintiff one USM-285 forms, one summons, an instruction sheet and a copy of the second amended complaint filed January 25, 2006.

1           3. Within thirty days from the date of this order, plaintiff shall complete the  
2 attached Notice of Submission of Documents and submit the following documents to the court:

- 3           a. The completed Notice of Submission of Documents;  
4           b. One completed summons;  
5           c. One completed USM-285 form for the defendant listed in number 1  
6           above; and  
7           d. Two copies of the endorsed second amended complaint filed January  
8           25, 2006.

9           4. Plaintiff need not attempt service on defendant and need not request waiver of  
10 service. Upon receipt of the above-described documents, the court will direct the United States  
11 Marshal to serve the above-named defendant pursuant to Federal Rule of Civil Procedure 4  
12 without payment of costs.

13 DATED: February 28, 2006.

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16 UNITED STATES MAGISTRATE JUDGE  
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NOTICE OF SUBMISSION  
OF DOCUMENTS

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Plaintiff hereby submits the following documents in compliance with the court's  
order filed \_\_\_\_\_:

\_\_\_\_\_ completed summons form

\_\_\_\_\_ completed USM-285 forms

\_\_\_\_\_ copies of the \_\_\_\_\_  
Second Amended Complaint

DATED:

\_\_\_\_\_  
Plaintiff